



\$~36

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 959/2024 & CM APPL. 34433/2024**

**YOGESH SETHI**

..... Petitioner

Through: Mr. Shailendra Pratap Singh and Mr.  
Vansh Bajaj, Shivek Rai Kapoor,  
Advocates  
Mob: 9910062302

versus

**MUNICIPAL CORPORATION OF DELHI & ORS.**

..... Respondents

Through: Mr. Vikas Chopra, Advocate with  
Ms. Anita R Mishra, Advocate for  
MCD.  
Mr. Abhinav Singh, Advocate with  
Ms. Swega Agarwal, Advocate for R-  
5.

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

**31.05.2024**

%

**CM APPL. 34433/2024 (For Exemption)**

1. Exemption allowed, subject to just exceptions.
2. Application is disposed of.

**CONT.CAS(C) 959/2024**

3. The present petition has been filed alleging willful disobedience of the orders dated 7<sup>th</sup> August, 2023 and 09<sup>th</sup> November, 2023 passed in W.P.(C) 10329/2023.



4. By way of the aforesaid orders, statement on behalf of learned counsel appearing for the Municipal Corporation of Delhi (“MCD”), was recorded that the property in question, i.e., property bearing *Flat no. 203A and 203B, Pocket J&K, Dilshad Garden, Delhi-110095*, had been inspected. Further, the MCD had already issued a Work Stop Notice, with respect thereto.
5. It was further noted in the said order that further inspection will be carried out, and in case there is any unauthorised construction is found, appropriate action shall be taken, in accordance with law.
6. The present petition has been filed on the ground that no action has been taken by the MCD.
7. Per contra, learned counsel appearing for the respondent no. 1-MCD submits that in terms of the order dated 7<sup>th</sup> August, 2023, fresh inspection of the aforesaid property has been completed. Since unauthorised construction was found, demolition order was passed after following the due process of law.
8. He further submits that action was sought to be taken on 18<sup>th</sup> January, 2024, however, in view of the restrictions under GRAP III, action could not be taken. The next action was fixed for 7<sup>th</sup> February, 2024, however, action again could not be taken, as the property was found to be occupied. Thus, vacation notice was issued on 8<sup>th</sup> February, 2024.
9. It is submitted that subsequently part-action has been taken by the MCD, on 19<sup>th</sup> March, 2024.
10. He submits that further action was fixed for 9<sup>th</sup> April, 2024 and 18<sup>th</sup> April, 2024, however, the same could not be taken, since no time was left. He submits that further action has not been fixed by the MCD, since a letter dated 22<sup>nd</sup> April, 2024 was received from the Delhi Police, that in view of



the general elections, they would be unable to provide police force, till the conclusion of the election process.

11. He, thus, submits that further action shall now be fixed by the MCD and complete action shall be taken.

12. The aforesaid statement made by learned counsel for the respondent-MCD is taken on record and the respondent is held bound by the same.

13. Accordingly, it is directed that further action shall be taken and completed by the respondent-MCD expeditiously, preferably within a period of three months from today.

14. At this stage, Mr. Abhinav Singh, learned counsel appearing for respondent no. 5, i.e., SHO, Police Station Seemapuri, submits that requisite police force shall be provided to the MCD, as and when any action is fixed by the MCD.

15. The aforesaid statement made by learned counsel for the respondent no. 5, is taken on record and the said respondent is held bound by the same.

16. Accordingly, the present petition is disposed of.

17. However, liberty is granted to the petitioner to revive the present petition in case any grievance of the petitioner still survives.

**MINI PUSHKARNA, J**

**MAY 31, 2024**

ak